

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

99th Legislative Day

April 11, 2000

PRESIDENT PHILIP:

The regular Session of the 91st General (Assembly) will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by the Reverend Warren Wilkewitz, Third Presbyterian Church, Springfield, Illinois. Reverend Wilkewitz.

THE REVEREND WARREN WILKEWITZ:

(Prayer by the Reverend Warren Wilkewitz)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Thursday, April the 6th, 2000.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journal just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journals of Friday, April 7th, and Monday, April 10th, in the year 2000, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval

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of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Messages.

SECRETARY HARRY:

Message from the President, dated April 11th, 2000.

Dear Mr. Secretary - Please be advised that I have replaced Senator Maitland with Senator Dillard on the Senate Rules Committee effective immediately.

Signed by President Philip.

PRESIDENT PHILIP:

I -- I will now yield to Senator Bomke to introduce the Mother of the Year. Senator Bomke.

SENATOR BOMKE:

Thank you, President Philip. It's my pleasure to introduce to the Illinois State Senate the Illinois Mother of the Year, Dorothy Mau. Joining her today is her husband, Bob; grandchildren, Megan and Matthew; her two cousins, Polly -- Myers, excuse me, who is a former 1997 Mother of the Year and is Chairman of the Search Committee. It's my pleasure to present to you the Illinois Mother of the Year, Dorothy Mau.

MOTHER OF THE YEAR DOROTHY MAU:

(Remarks by Mother of the Year Dorothy Mau)

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 807, together with House Amendments 1, 2 and 9.

Passed the House, as amended, April 10th, 2000.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate will come to order. Committee Reports.

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SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to the Committee on Education - the Motion to Concur with House Amendment 1 to Senate Bill 1447; to the Committee on Executive - the Motion to Concur with House Amendments 1, 2 and 9 to Senate Bill 807, Motion to Concur with House Amendments 1 and 2 to Senate Bill 1332; to the Committee on Judiciary - the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1655, Motion to Concur with House Amendment 1 to Senate Bill 1426, Motion to Concur with House Amendment 2 to Senate Bill 730, and the Motion to Concur with House Amendment 1 to Senate Bill 1690; to the Committee on Revenue - the Motion to Concur with House Amendment 1 to Senate Bill 1453, and the Motion to Concur with House Amendments 1 and 2 to Senate Bill 1451; and refer to the Committee on State Government Operations - the Motion to Concur with House Amendment 1 to Senate Bill 1284.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver, for what purpose do you seek recognition?

SENATOR WEAVER:

Thank you, Madam President. To read off the committee schedule for today: Insurance and Pensions will meet in 212 at 10:30; Public Health will meet at 10:30 in Room 400; and Local Government will be in A-1 at 10:30. At 11 o'clock: Judiciary in

400; Ag and -- and Commerce {sic} at -- A-1 at 11 o'clock. 11:30: Education in 212; Environment and Energy in 400; and Transportation in A-1 - all at 11:30. At noon: Executive, 212; Revenue, 400; State Government on the Floor. 12:30: Commerce and Industry, at 12:30, 212, Financial Institutions in Room 400, and Licensed Activities in A-1 at 12:30. That's the committee schedule for today.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Okay. I know it's going to be posted outside, but, Senator Weaver, can -- since it's so long, can I ask you to do it one more time?

SENATOR WEAVER:

10:30: Insurance and Pensions in 212, Public Health in 400, Local Government in -- in A-1. At 11 o'clock: Judiciary in Room 400; Ag and Conservation, A-1. At 11:30: Education in 212, Environmental {sic} and Energy at -- 11:30 in Room 400, Transportation in A-1. At noon: Executive in 212, Revenue in Room 400, and State Government on the Senate Floor. 12:30: Commerce and Industry in 212, Financial Institutions in Room 400, and Licensed Activities in A-1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Thank you, Senator Weaver. Senator... Senator Lauzen, for what purpose do you seek recognition?

SENATOR LAUZEN:

Just for an announcement. For the Members of the Commerce and Industry Committee, because we don't have any amendments or bills to consider, you can take that one off your schedule.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Thank you, Madam President. There'll be a Republican Caucus in President Philip's Office immediately.

PRESIDING OFFICER: (SENATOR DONAHUE)

Republican Caucus immediately in Senator Philip's Office. Senator Smith, for what purpose do you rise?

SENATOR SMITH:

There will be a Democratic Caucus in Senator Emil Jones' Office immediately at the close of this Session.

PRESIDING OFFICER: (SENATOR DONAHUE)

Democrat Caucus in -- in Senator Emil Jones' Office. Senator

Dillard, for what purpose do you rise?

SENATOR DILLARD:

Just for purposes of an announcement, Madam President. For those Members of the Local Government Committee, we will not meet today. We will not meet today. There's only one matter before us and it -- we'll hold it over till our next meeting, which will probably be tomorrow. So Local Government will not meet today. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senate stands in recess till the call of the Chair.

(SENATE STANDS IN RECESS)

(SENATE CONVENES FIRST AND SECOND SPECIAL SESSION)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senate -- Senate will reconvene. Committee Reports.

SECRETARY HARRY:

Senator Syverson, Chair of the Committee on Public Health and Welfare, reports Senate Bill 563 - the Motion to Concur with House Amendments 1 and 2 Be Adopted; Senate Bill 1508 - the Motion to Concur with House Amendment 1 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary reports Senate Bill 730 - the Motion to Concur with House Amendment 2 Be Approved for Consideration; Senate Bill 1268 - the Motion to

Concur with House Amendment 1 Be Approved for Consideration;
Senate Bill 1426 - Motion to Concur with House Amendment 1 Be
Approved for Consideration; Senate Bill 1567 - Motion to Concur

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with House Amendment 1 Be Approved for Consideration; Senate Bill
1655 - the Motion to Concur with House Amendments 1 and 2 Be
Approved for Consideration; and Senate Bill 1690 - the Motion to
Concur with House Amendment 1 Be Approved for Consideration.

Senator Cronin, Chair of the Committee on Education, reports
Senate Bill 1447 - the Motion to Concur with House Amendment 1 Be
Adopted.

Senator Mahar, Chair of the Committee on Environment and
Energy, reports Senate Bill 1541 - the Motion to Concur with House
Amendments 1 and 3 Be Approved for Consideration.

Senator Tom Walsh, Chair of the Committee on State Government
Operations, reports Senate Bill 1284 - the Motion to Concur with
House Amendment 1 Be Approved for Consideration.

Senator -- Senator Peterson, Chair of the Committee on
Revenue, reports Senate Bill 1249 - the Motion to Concur with
House Amendment 2 Be Approved for Consideration; Senate Bill 1296
- Motion to Concur with House Amendment 1 Be Approved for

Consideration; Senate Bill 1307 - Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 1451 - the Motion to Concur with House Amendments 1 and 2 Be Approved for Consideration; and Senate Bill 1453 - the Motion to Concur with House Amendment 1 Be Approved for Consideration.

Senator Klemm, Chair of the Committee on Executive, reports Senate Bill 807 - the Motion to Concur with House Amendments 1, 2 and 9 Be Adopted; Senate Bill 1332 - the Motion to Concur with House Amendments 1 and 2 Be Adopted; Senate Bill 1682 - the Motion to Concur with House Amendment 1 Be Adopted; and Senate Bill 1871 - the Motion to Concur with House Amendment 2 Be Adopted.

And Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Bill 452 - the Motion to Concur with House Amendments 1, 6 and 8 Be Adopted; Senate Bill 1339 - Motion to Concur with House Amendments 1 and 2 Be Adopted; Senate Bill

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1404 - the Motion to Concur with House Amendment 1 Be Adopted; and Senate Bill 1704 - the Motion to Concur with House Amendment 1 Be Adopted.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Will the Members within earshot please come to the Floor? We

will be going to substantive business very shortly. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 71, offered by Senator Klemm.

It's substantive, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

If you turn your attention to the bottom of page 6 of your regular Calendars, in the Order of House Bills 3rd Reading. We will be going to House Bill 2855. The bottom of page 6, in the Order of House Bills 3rd Reading, is House Bill 2855. Senator Philip, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Philip seeks leave of the Body to return House Bill 2855 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2855. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Yeah. I -- I move the adoption of -- of Floor Amendment No. 1 to House Bill 2855. And this is what it does: It creates a zero tolerance drug policy for all correctional employees. Provides that no less than twenty percent of all the employees and administrative officers of the Department shall be randomly tested for the presence of drugs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, all those in favor, say Aye.
Opposed, Nay. The Ayes have it. And the amendment is adopted.
Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR DUDYCZ)

3rd Reading. Now on the Order of House Bills 3rd Reading, on
the bottom of page 6, is House Bill 2855. Mr. Secretary, read the
bill, please.

SECRETARY HARRY:

House Bill 2855.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
As you're probably aware - some of you are probably not aware -
that the Illinois State Police, the Chicago police have what we
call a zero tolerance. In other words, one time you do it, you're
out. As you're probably aware, one of the contracts we have now

with correctional officers, unfortunately -- unfortunately, it's three strikes and you're out. And, quite frankly, what has happened is this: On some of the testing of the employees, they have as high as five or six percent of the employees test positive to drugs. And of course, as you know, there are drugs in the correctional -- correctional institutions. And how do they get those drugs? Most likely they get those drugs from correctional officers or employees that work there that are using the drugs themselves and get 'em into the facility. And of course, what happens in those facilities? Sometimes they get violent, they have fights, they stab people. So there's -- of no value to allow

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these drugs to get into that institution through people who work there. And what we say is one time and you're out, like we treat State Police, like we treat a lot of other police in the State of Illinois. I'll be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Hendon.

SENATOR HENDON:

Senator Philip, you -- you said that the Chicago police and firemen have a one strike and you're out. Is this legislation calling for something similar, and if not, why would we treat the correctional officers different than the Chicago Police Department?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Yes. You know, the -- the difference is that they're taking care of prisoners.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, the most recent, biggest drug case in Chicago involves a lieutenant on the Chicago Police Department, who was the -- giving drugs to gangbangers and running drugs from California. So, if they want to, a Chicago police officer or any officer could be involved in -- in the drug trade. Is that correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

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My -- my information is that Chicago has one strike and you're out, that once you get caught with drugs in the City of Chicago in the police department, and many other downstate police departments, you're gone. So this would be exactly the same policy for the Department of Corrections. No difference.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

I understand, President Philip, but from what I understand, the zero tolerance and the one strike is -- is different. With one strike, you do have that one opportunity. Then you can go and get drug counseling. With zero tolerance, you have no opportunity if you're caught messing up any kind of way. And I have a concern here, because everyone who tests positive is not necessarily guilty. Sometimes there are glitches in the system. There are -- trouble with the testing. And zero tolerance means they would have no opportunity whatsoever. Secondly, if a -- if an employee comes to the Department of Corrections and says, "I have a problem", what happens? Will they get counseling or will they be fired?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

I -- I will try to clarify what -- what zero tolerance means. Termination would be in accordance with the establishment of Departmental procedures. The procedures include the right of an

individual to appeal the findings and to retest the sample. The individual also has the opportunity to show alternate reasons for positive results. So, in other words, just say, hypothetically, that your doctor has given you a medication that shows up positive for drugs. You would have an opportunity for a hearing, go back in and say, "Hey, my doctor -- I'm taking such and such a drug.

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It does show up positive, but I need this for health purposes."

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Well, in closing, none of us want to see illegal drugs slipped through and -- and taken into the penitentiaries, given to the inmates or the guards or whoever. So, I'm -- I'm with you there. However, I do have a concern, because isn't this an item that should be negotiated? Isn't there current negotiations between AFSCME -- the union and this? And shouldn't this be left to the negotiators, or are we negotiating by legislation?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

The answer is no, because you know what they negotiated last time? Three strikes and you're out. These are the people who, most likely, are bringing the drugs in. That's how you get some of the violence in the penitentiaries. They're high on drugs. They do things they would -- normally would not do. But under the influence, they get mean. It's tough on the guards. It's tough on the inmates.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield for a quick question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jacobs.

SENATOR JACOBS:

Senator, I have no quarrel with what you're trying to do. I just want to follow up a little bit on what Senator Hendon said because I think it's important, because I know industry even

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gives this -- this break to -- to people who work for them. If a -- if this bill were to pass and a -- a guard came forward to the

warden and said, "Warden, I have a drug problem; I need to be rehabilitated", will he be rehabilitated at that point or will he be let go by his own volition?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

If that guard would come forward before the testing and admit it, I'm pretty -- well, I can't say positively, but I know that the Department's policies in the past have -- if you would admit to them that you're on drugs and want to get a cure and go get a cure, that they would not prosecute there and they haven't. And I'm sure they would continue that policy. And I...(microphone cutoff)...policy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jacobs.

SENATOR JACOBS:

And I agree with that. And that's part of the -- the problem I have with -- with dealing with this so quickly, is we don't have the access to the contract that AFSCME has, which shows us that. And I'm sure that they do have a clause in there somewhere and I was just trying to confirm of someone who might have a better grasp of the AFSCME contract as to whether or not there is a provision that allows them to come forth and to seek treatment.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Geo-Karis.

SENATOR GEO-KARIS:

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Does this apply to guards selling drugs in the prisons?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

It applies -- applies to all of the employees that work for the Department of Corrections. Everybody. And that -- that includes the Director, himself.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the prior -- prior problem -- policy of three times and then you're out, I think is absolutely repulsive to trying to combat drugs in the prisons. And this policy -- if you're going to be working in a prison, you know what to do; you know what not to do. And if -- if you're going to be there intimidating prisoners, maybe pushing some of them to buy your drugs, what are you doing? What kind of people are they who are such guards or other prison employees? I

think this is a good bill. It's about time that we tried to ferret out those people who would make a mockery of pushing away drugs. And I commend the sponsor for having this bill, and I urge all of us to support it, because if we don't look good to the public of Illinois, if we are going to say, "Well, give 'em three chances if they work in the prison", no. We don't get three chances - none of us here. You know it and I know it. If one of us were involved, believe me, we would have no chance. The public would be all over us. So I would suggest that we follow the Senator in his bill and support it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President and Ladies and Gentlemen of the

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Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Molaro.

SENATOR MOLARO:

Do we have -- do we know what the statute is for the State Police? Other words, is there a similar statute to this, exactly

with this wording, that mandates State Police officers that there be zero tolerance?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Very honestly, we've never looked at that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Okay. Would the sponsor know whether or not the drug policy of the State Police is negotiated with through the State Police union? Would you have any idea?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

I'm not sure about that either. All -- all I can tell you is that most police departments have zero tolerance. The State Police have zero tolerance.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Okay. Do we know anything about the City of Chicago and their contract, whether they're zero tolerance on the police department?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

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Yeah. It's no different than the City of Chicago police. It is no different than the State Police. Zero tolerance and you're out.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, okay. I -- I -- I might have different information on that. I don't know if it's exactly like this bill, because with the City of Chicago - I -- I can't speak too much for State Police - but what I was told today is that they have things such as administrative leave. It's more of a one strike and you're out, as opposed to zero tolerance. The point I was trying to make -- and the fire department and other fire departments that have our safety, I know are one strike and you're out, that it's not, in fact, zero tolerance. But let me make the point that I was trying to make when I stood up. Obviously, we created public employee unions. I think this legislative Body did that many, many years ago. And then, of course, we gave them -- the only reason that AFSCME exists or that the correctional guards, the correctional officers have a union is that -- because we allowed 'em to. We gave 'em that authority. We also gave 'em the authority of what they can negotiate about. One of the things that they negotiate about, which is done throughout the country, is they negotiate

drug testing and what there -- should be their drug policy. That's negotiated - okay? - now. There is no doubt -- there is no doubt - Senator Philip would agree with this - that probably most of the public would want zero tolerance for correctional officers. I don't think anybody in this Chamber would argue that if we did a poll, you'd probably get ninety-five percent back that we want zero tolerance. You would probably have that with the fire departments, police departments, health workers, IDOT workers, and probably everybody who works in the Senate, our secretaries,

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everybody else. They would want zero tolerance. You work for government, you're in public health - it should be zero tolerance. However, we have let the employee groups, because of the scourge of drugs, we've let them negotiate with the employers. What I don't understand is -- I don't like three strikes. That's ridiculous. That's way too many. Should it be one strike? Should it be that if you actually come forward and you're found to have drugs in your system, should it be where we say, "All right, take rehabilitation, come back in two years"? Should it be that you could never come back? Well, that's why we have negotiations. And I can't understand why we picked out Corrections and we

haven't talked about the State Police. We haven't talked about Attorney General's investigators. Why would we pick this out? What we should be doing is a resolution instead of law. We should have a resolution resolving the Governor and the Department of Corrections and the new head of the Department of Corrections and resolve and tell him that his policy - it should not be bending - that it's zero tolerance. That's the way we should be doing this. We shouldn't come out and pass the statute and go into the collective bargaining rights of employees and say, "This is what we, as the Illinois Senate, would like to do." So I applaud your effort in the sense that zero tolerance may have -- should be here now, but this is certainly not the way to do it. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Munoz.

SENATOR MUNOZ:

Thank you, Mr. President, Members of the Senate. I rise in support of this. I commend the sponsor for this. What I can tell you on the police department, we have zero tolerance, and it very should well be. Years ago, Senator Dudycz can tell you, they did let police officers -- if they came forth and said that they had a drug problem or a drinking problem, they'd send 'em in for

counseling. Well, as a result, you have a lot of officers over the years that work narcotics, they get hooked up with the wrong people and they become users themselves. When that happens, we should have the zero tolerance. The way we have it now is, if it's found in your system - you are a sworn police officer - whether you're Chicago police, State Police, all over the State of Illinois. The people entrusted us to uphold the law and to be a sworn officer. Once you go that avenue, you are not the officer that you were here to be -- put here to do a job for. With regards to Corrections, you have murderers, rapists, people that are going to do time for the rest of their life. They do not care about society, nor how they care about the way they conduct themselves in the prison. What they're going to do is go after the average person in the prisons - in the corrections, so to speak. They're there with them, like being locked up themselves. They get a minimal pay. But they have a hard job. At least police officers on the street, we have a different variety. But they are locked up eight hours a day, if not more, with these inmates. What they try to get 'em to do is not only bring the drugs in for them, but if they can get a couple of these guys hooked, on their side, that's where it begins. And I think it's very important that we push this legislation today to take care of the correctional officers that are doing a fine job for us throughout the State of Illinois. I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Jones. Emil Jones.

SENATOR E. JONES:

Yeah. Thank -- thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Jones.

SENATOR E. JONES:

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Senator, also included in this legislation is -- is a provision that would permit the Department of Corrections to do what you call cavity searches. Do they have that permission right now where they can search the cavity of a person who are visiting the -- the prison?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

I'm not sure.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

Well, it's in this bill right now. So a mother coming to the prison, perhaps, to see her son and so forth, she's subject to have her cavity searched. Is that -- do they have the power right

now to do that?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

That is correct, because in -- in the past, people who do the visiting on the weekends are -- a lot of those people are bringing in drugs - and weapons, incidentally.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

Well, that's not the question that I asked you. I asked you the question as it relate to all people. Is it a situation now, is it a policy or a rule that if you go visit a prison, that you must subject yourself to a cavity search?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

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I don't think that's the current policy.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Jones.

SENATOR E. JONES:

Well, I just raised that question, because I see at the airports around the nation, I see right now women -- women right now have been subject to that, especially many women of color just coming in from abroad. And it's a issue that's being dealt with, as relate to cavity search. But as relate to this legislation, it's not the question of whether or not you permit or you are in favor of one tolerance or another. I think the issue is: Do we interject ourselves into the middle of a collective bargaining issue? The issue as it relate to drug tolerance for our correctional officers was a issue that was negotiated between the Department and the collective bargaining union. As it relate to Chicago Police Department, that issue was -- was decided between the City of Chicago and the FOP, who represent them. It was not something that was legislatively done.

PRESIDING OFFICER: (SENATOR DUDYCZ)

I beg your pardon. Senator Jones. Senator Jones.

SENATOR E. JONES:

It -- it was not something that was done by the Legislature or the legislative Body. The same holds true for the State Police. It's a issue that the FOP or the State Police Lodge -- they bargained those rights, and they decided that this is the way they wanted it, as a group. The collective bargaining -- I mean, union that represents correctional officers, they may decide to go zero tolerance, but let them have that right at the table, as they are meeting right now in negotiations. So the issue is not whether or not you are for zero tolerance or two strikes or three strikes you're out; it is whether or not the collective bargaining power that this Body and this State gave to the workers of this

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State the right to bargain for their rights. The next issue that'll be coming up -- we'll come in, we'll be taking other rights away from them. So why even pass the law? We are talking about doing budget negotiations right now. This issue came up in our meeting a couple hours ago. While folks are sitting at the table, a right that they have bargained for to discuss this issue, do we come in and say, "No, you don't discuss it; we will legislate it"? That's the issue that's before us today. I urge the Members who, like myself, would support a zero tolerance policy; however, let those two sitting at the table make that decision as to what it should be. We should not interject ourselves in that process. So I urge, for those who feel one way or the other, vote Present on the issue. But let the issue stay at the bargaining table. And I -- and I will hope that they will come back with a zero tolerance. But do not pull the power away from the bargaining units that are bargaining in good faith. And we should not be the one to try to break that -- that contract between the employer and the employee.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Shadid.

SENATOR SHADID:

Would the -- would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Shadid.

SENATOR SHADID:

The way I read this legislation, this also includes legal and illegal drugs.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Yes. It's certainly my intentions only to pertain to illegal drugs.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Shadid.

SENATOR SHADID:

Would the sponsor -- would you mind if an amendment was put on at the House, if it passes here, to make this pertain just to illegal drugs?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Philip.

SENATOR PHILIP:

Absolutely.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Philip, to close.

SENATOR PHILIP:

You know, if we depended on the collective bargaining process, you know where we'd be? Three strikes and you're out. So it's up to us to set public policy. Put it on the ballot in your district and see what the voters would tell you. Now, if you remember, these are the people who are bringing in illegal drugs and selling them to inmates. And then when we have a little uprising here and there, or somebody gets stabbed with a shiv, or beat up or something, generally speaking it's related to drugs. There shouldn't be any tolerance whatsoever. We ought to stand up and do what's right. So I'd like to see a lot of green votes up there. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 2855 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 45 Ayes, 3 Nays, 10 voting Present. And House Bill 2855, having received the required constitutional majority, is hereby declared passed. Senator Ronen, what purpose do you rise?

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SENATOR RONEN:

Thank you, Mr. President. I -- I inadvertently hit the wrong switch here. I wish to be recorded as a Yes on that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The record will reflect your intent, Senator Ronen. The Chair would remind the Membership to review the items on the Order of Secretary's Desk, Concurrence, on page 16 of today's Calendar. Sponsors of these bills should file their motions with the Secretary as soon as possible. There any further business to come before the Senate? If not, Senator Hawkinson moves that the Senate stand adjourned until the hour of 11 a.m., on Wednesday, April 12th, in the year 2000.

